

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

THEOFILOS MIHALATOS,

Plaintiff,

-against-

BEAVER BAKE CORP. d/b/a TRADERS  
EXPRESS DELI, et al.,

Defendants.

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24-CV-6131 (BCM)

**ORDER****BARBARA MOSES, United States Magistrate Judge.**

At today's status conference, counsel for plaintiff reported, and counsel for defendants conceded, that defendants have not yet served their automatic disclosures, as required by Fed. R. Civ. P. 26(a)(1), which were due on February 6, 2025. Nor have they served any written discovery demands, which they were required to do by February 20, 2025, or responded to plaintiff's written discovery demands, which were timely served before that date. Defendants' counsel explained that his client Dipak Banik was hard to reach, but assured the Court that Mr. Banik would be meeting with him on Monday, May 5, 2025, after which defendants would promptly comply with all of their discovery obligations.

Ordinarily, a party's extended and unexcused failure to comply with his basic discovery obligations would be grounds for significant sanctions. However, plaintiff never moved to compel compliance or for any other form of judicial relief, and agreed, during today's conference, that the discovery deadline (currently May 23, 2025) should be extended so as to permit the parties to complete written discovery and conduct party depositions. Additionally, the parties requested that this Court schedule a settlement conference, to take place after written discovery responses are served.

Consequently, as discussed during the conference, it is hereby ORDERED as follows:

1. Automatic Disclosures. Defendants must serve the disclosures required by Fed. R. Civ. P. 26(a)(1) no later than **May 13, 2025**.
2. Discovery Responses. Defendants must respond to plaintiff's requests for production of documents and interrogatories, answer the interrogatories under oath, and produce all non-privileged responsive documents, no later than **May 13, 2025**. All objections are deemed waived, except as to privilege. Any documents or information withheld on privilege grounds must be logged in compliance with Local Civ. R. 26.2, and the privilege log must be served along with the written responses, the answers, and the responsive documents.<sup>1</sup>
3. Discovery Requests. If defendants wish to serve written discovery demands, they must do so no later than **May 13, 2025**.
4. No Further Extensions. No further extensions of the deadlines set forth above will be granted.
5. Close of Discovery. All discovery must be completed no later than **June 30, 2025**.
6. Status Conference. Judge Moses will conduct a status conference on **June 18, 2025 at 1:30 p.m.**, in Courtroom 20A of the Daniel Patrick Moynihan United States Courthouse. One week prior to that date, on **June 11, 2025**, the parties must submit a joint status letter outlining the progress of discovery to date.
7. Settlement Conference. Judge Moses will conduct an in-person settlement conference on **June 18, 2025, at 2:00 p.m.**, following the status conference. A separate order will issue concerning the conduct of the conference and the parties' pre-conference responsibilities.

Dated: New York, New York  
May 1, 2025

**SO ORDERED.**



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**BARBARA MOSES**  
United States Magistrate Judge

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<sup>1</sup> Plaintiff's written discovery responses, answers, non-privileged responsive documents, and (if applicable) privilege log will be due 30 days after service of defendants' written discovery requests. *See* Fed. R. Civ. P. 33(b)(2), 34(b)(2)(A).